

### In The Claims

Please amend claim 1 as follows:

1. (Currently Amended) An improved patty-forming apparatus, comprising:
- 2f* a mold plate having a mold cavity through a thickness thereof;
- 24a*  
*28 12 34* a mold plate support structure carrying said mold plate and guiding said mold plate for reciprocating motion along a longitudinal direction, said structure including a wall facing said mold plate, said mold plate reciprocating along said wall;
- 96* a food product delivery channel carried by said *support* structure and arranged on one side of the mold plate, said delivery channel having a fill opening into said cavity when said mold plate is in a fill position with respect to said structure; and
- 110* said wall including a ~~fill channel~~ recess means, said cavity open to said recess means ~~fill channel and said fill opening~~ when said mold plate is in said fill position, said recess means for increasing a cross sectional food product flow area along the longitudinal direction for filling said cavity with food product from said delivery channel via said fill opening.

Please amend claim 2 as follows:

2. (Currently Amended) The apparatus according to claim 1, wherein said wall comprises a breather plate facing said mold plate, said breather plate having at least one breather hole therethrough open to said cavity when said

mold plate is in said fill position, said recess means extending along a substantial portion of a longitudinal distance between said fill opening and said breather hole.

3. (Original) The apparatus according to claim 2, wherein said breather plate is arranged on an opposite side of said mold plate from said fill opening.

Please amend claim 4 as follows:

4. (Currently Amended) The apparatus according to claim 1, wherein said mold plate is arranged to reciprocate between a knock out position located beyond said wall where food product is removed from said cavity, and said fill position, said fill opening closed by said mold plate before said cavity extends beyond said wall, wherein said recess means is closed from said cavity before said mold plate is in said knock out position.

Please amend claim 5 as follows:

5. (Currently Amended) An improved patty-forming apparatus,  
comprising:

a mold plate having a mold cavity through a thickness thereof;

a mold plate support structure carrying said mold plate and guiding  
said mold plate for reciprocating motion, said structure including a wall facing  
said mold plate, said mold plate reciprocating along said wall;

a food product delivery channel carried by said structure and arranged on one side of the mold plate, said delivery channel having a fill opening into said cavity when said mold plate is in a fill position with respect to said structure; and

said wall including a recess, said cavity open to said recess and said fill opening when said mold plate is in said fill position;

wherein said wall comprises a breather plate facing said mold plate, said breather plate having at least one breather hole therethrough open to said cavity when said mold plate is in said fill position; and

~~The apparatus according to claim 2, wherein said fill channel comprises a~~  
wherein said recess is formed into said breather plate, said recess being open  
along a length thereof into said cavity.

Please amend claim 6 as follows:

6. (Currently Amended) The apparatus according to claim 5-2,  
wherein said mold plate comprises a plurality of cavities across said mold plate  
and said recess is common to all said cavities.

Please amend claim 7 as follows:

7. (Currently Amended) A food patty-forming apparatus, comprising:  
a machine frame;

a mold plate having at least one cavity and mounted to reciprocate in a longitudinal direction with respect to said frame to position the cavity between a filling position and a patty knock out position;

a food product delivery channel mounted stationary with respect to said frame and having a fill opening into said cavity when said mold plate is in said filling position;

a breather plate facing said mold plate and stationary with respect to said frame, said breather plate having a breather hole therethrough located remote from said fill opening, and a fill ~~recess channel~~ located close to said fill opening, extending toward said breather hole, said fill ~~recess channel~~ increasing a transverse food product flow area along said longitudinal direction to assist filling of said cavity.

Please amend claim 8 as follows:

8. (Currently Amended) The apparatus according to claim 7, wherein said fill opening, said fill recess and said breather hole are all open to said cavity at one time during reciprocation of said mold plate with respect to said frame ~~fill channel comprises a recess formed into said breather plate.~~

9. (Original) The apparatus according to claim 7, wherein said fill opening is closed by said mold plate before said cavity extends beyond said breather plate.

10. (Original) The apparatus according to claim 7, wherein said breather plate includes an air recycle channel formed on a side thereof opposite said fill opening, and said breather hole is open between said cavity and said recycle channel.

Please amend claim 11 as follows:

11. (Currently Amended) The apparatus according to claim 7, wherein said fill recess-channel is located in part directly facing said fill opening across a thickness of said mold plate.

12. (Original) The apparatus according to claim 7, wherein said breather plate is located above said mold plate and said fill opening is below said mold plate.

Please amend claim 13 as follows:

13. (Currently Amended) A breather plate for a patty-forming machine, the patty-forming machine having a machine frame, a mold plate having at least one cavity and mounted to reciprocate in a longitudinal direction with respect to said frame to position the cavity between a fill position and a patty knock out position, a food product delivery channel mounted stationary with respect to the frame and having a fill opening into the cavity when the mold plate is in the fill position, a breather plate facing the mold plate and stationary with respect to the

frame, the breather plate having a breather hole therethrough, the breather plate comprising:

a ~~plate-like body~~ plate having a plurality of breather holes therethrough, and at least one fill recess sized and arranged to be in registry with at least one cavity of a mold plate when said mold plate is in the fill position, said fill recess increasing a transverse food product flow area along the longitudinal direction to assist filling of the cavity.

14. (Original) The breather plate according to claim 13, wherein said recess extends transversely and is common to a plurality of cavities when said mold plate is in the fill position.

15. (Original) The breather plate according to claim 13, wherein said breather holes are spaced longitudinally from said fill slot and said fill recess extends longitudinally between said fill slot and said breather holes.

Please add new claims 16-20 as follows:

16. (New) The apparatus according to claim 5, wherein said recess extends along a substantial portion of a distance between said fill opening and said breather hole.

17. (New) The apparatus according to claim 16, wherein said breather plate is arranged on an opposite side of said mold plate from said fill opening.

18. (New) The apparatus according to claim 17, wherein said mold plate is arranged to reciprocate between a knock out position located beyond said wall where food product is removed from said cavity, and said fill position, said fill opening closed by said mold plate before said cavity extends beyond said wall, wherein said recess is closed from said cavity before said mold plate is in said knock out position.

19. (New) The apparatus according to claim 18, wherein said mold plate comprises a plurality of cavities across said mold plate and said recess is common to all said cavities.

20. (New) The apparatus according to claim 19, wherein said fill opening is closed by said mold plate before said cavity extends beyond said breather plate.